

GAHC010009362026



2026:GAU-AS:8045

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/155/2026

IMDADUL HOQUE
S/O NISHAN ALI, R/O VILL- DEKDHOWA, P.O.- DUBAPARA, P.S.- MORNAI,
DIST.- GOALPARA, ASSAM.

VERSUS

THE HDFC ERGO GENERAL INSURANCE CO. LTD. AND ANR
REPRESENTED BY THE REGIONAL MANAGER, HAVING ITS OFFICE AT
6TH FLOOR, ADITYAM BUILDING, G.S. ROAD, SOUTH SARANIA, LACHIT
NAGAR, GUWAHATI-781007, KAMRUP (M), ASSAM.

2:ATOWAR RAHMAN
S/O NUR HUSSAIN
R/O VILL- DEKDHOWA
P.O.- DUBAPARA
P.S.- MORNAI
DIST.- GOALPARA
ASSAM
PIN-783101

Advocate for the Petitioner : MR. M M ZAMAN,

Advocate for the Respondent : MR. A J SAIKIA(R1), M CHETIA(R1)

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

08/06/2026

Heard Mr. M.M Zaman, learned counsel for the applicant. Also heard Mr. A.J. Saikia, learned counsel for the respondent No.1.

2. The Office note dated 16.03.2026 indicates that the notice on the respondent No. 2 has been confirmed on 12.12.2026 and accordingly, service on respondent No.2 is deemed to be served.

3. The instant application has been filed under Section 5 of the limitation Act, praying for condoning the delay of 206 days in filing the connected MAC Appeal.

4. Heard learned counsel for the applicant, Mr. M.M. Zaman. The learned counsel for the applicant submits that the reasons for the delay has been set out at paragraph 3 of the instant application. Learned counsel submits that the impugned judgment and award dated 21.10.2024 came to the knowledge of the applicant only in the month of February, 2025 as the engage counsel before the trial court did not inform the applicant about the disposal of the MAC Case No. 80/2021. Thereafter, the applicant was going through great financial hardship and he could withdraw the awarded amount on 24.02.2025. Subsequently, the applicant also had several medical problems and complication arising out of a surgery which he had under gone due to injuries sustained in accident. Due to persistent pain and restricted mobility, the applicant was under continuous treatment during the month of March, April and May, 2025. Upon consultation with the Doctor on 23.05.2025, the concerned surgeon has advised the

applicant for surgical removal of the implant under spinal anesthesia and prescribed further investigation including the pre operative test. Due to such medical conditions, physical discomfort and repeated medical consultations, the applicant was not in a position to effectively coordinate with his counsel or to take timely steps to prefer an appeal before this Court resulting in un-intentional delay.

5. Learned counsel further submits that even after the initial treatment, the applicant was required to go for follow up consultation, investigations and the resumption of his normal activities took another 2 (two) months. Subsequently, the applicant managed to contact the present engage counsel only on 30.07.2025 and discussed the matter and accordingly, handed over the necessary documents to the instant engaged counsel on 05.08.2025. The counsel has prepared the memo appeal and thereafter, filed the connected appeal and thereby a delay of 206 days had occurred which is totally un-intentional and due to circumstances beyond his control. It is therefore prayed that the delay of 206 days may be condoned by this Court in the interest of justice.

6. Learned counsel, Mr. A.J. Saikia appearing for the respondent No.1/HDFC, Ergo General Insurance Company has raised his objection and submits that no sufficient cause has been shown by the applicant in order to condone the delay of 206 days. He therefore, prays that the instant application may be dismissed.

7. This Court has considered the submissions of the learned counsel for the parties and has perused the pleadings specially the reason set out at paragraph 3 of the application. The main grounds taken by the applicant herein is medical treatment and surgery. The applicant has also enclosed an annexure in the

application with regard to the recommendation by the doctor for undergoing implant removal surgery.

8. This Court is of the view that the appellant was prevented by such medical treatment and consultations from filing the connected appeal on time.

9. It is accordingly the view of this Court that the applicant has been able to make out sufficient cause for the delay of 206 days in filing the connected MAC Appeal and accordingly, the instant application is allowed and the delay of 206 days is condoned.

10. Application stands disposed.

11. The Registry is directed to registered the connected MAC Appeal and list the same for admission after 2 (two) weeks.

JUDGE

Comparing Assistant